

REMARKS

Claims 1-41 were pending in the application. Claims 1-15 and 29-41 have been cancelled without prejudice, claims 16 and 25-27 have been amended and claims 42-45 are new. Therefore, claims 16-28 and 42-45 are currently pending.

No new matter has been added. Support for the amendments to the specification and to claim 16 can be found, for example, at least at page 3, line 25 to page 4, line 28 of the specification of Provisional Patent Application No. 60/395495, filed July 12, 2002, to which the present application claims priority and incorporates by reference at page 1, lines 5-12 of the specification of the present application. Claim 25 has been amended to correct a typographical error. Support for the amendments to claim 26 can be found, for example, at least in Table 1 at pages 12-16 of the specification as originally filed. Claim 27 has been amended to remove non-elected subject matter. Support for new claim 42 can be found, for example, at least at page 22, lines 16-25 of the specification as originally filed. Support for new claim 43 can be found, for example, at least at page 10, lines 8-11 of the specification as originally filed. Support for new claim 44 can be found, for example, at least at page 9, lines 3-5 of the specification as originally filed. Support for new claim 45 can be found, for example, at least in Table 1 at page 15, third row, third column.

Response to Restriction Requirement Under 35 U.S.C. §121

The Examiner has required restriction to one of the following inventions under 35 U.S.C. §121:

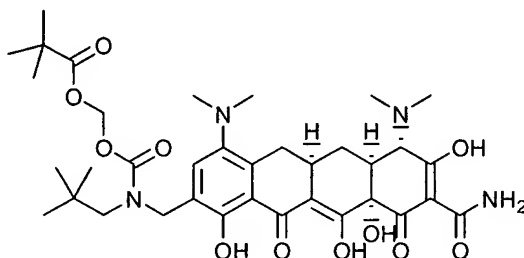
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|------------|--|
| Group I: | Claims 2-5 drawn to five or six membered ring, one nitrogen containing tetracycline compound classified in class 544-548 subclass various depending on species election. |
| Group II: | Claim 6 drawn to amino containing tetracycline compounds classified in class various depending on species election. |
| Group III: | Claims 7-15 drawn to compounds of formula II in class 548-564 subclass various depending on species election. |
| Group IV: | Claims 16-25, 26-28 and remaining compounds not encompassed supra, drawn to compounds having different core ring. |

Group V: Claims 29-41 being drawn to methods of treating tetracycline responsive state, classified in class 514 subclass various, depending on species election.

Applicants hereby elect Group IV (drawn to claims 16-25 and 26-28, drawn to compounds not encompassed by Groups I-III) where X is CR^6R^6 , without traverse.

Response to Species Election

The Examiner has required Applicants to elect, under 35 U.S.C. §121, a single disclosed compound species for prosecution on the merits. Applicants hereby elect:



It is Applicants' understanding that the species election is for searching purposes only, and upon a finding of allowability of the elected species, the remaining species also will be searched.

Application No.: 10/737361
Docket No.: PAZ-178CPCN

Examiner: C. C. Chang
Art Unit: 1625


SUMMARY

Cancellation of and/or amendments to the claims should in no way be construed as an acquiescence to any of the Examiner's objections and/or rejections. The cancellation of and/or amendments to the claims are being made solely to expedite prosecution of the above-identified application. Applicants reserve the option to further prosecute the same or similar claims in the present or another patent application. The amendments made to the claims are not related to any issues of patentability.

In view of the above amendment, applicant believes the pending application is in condition for allowance. Applicants believe no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. PAZ-178CPCN from which the undersigned is authorized to draw.

Dated: March 27, 2006

Respectfully submitted,

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